

AUG 13 1999

**CERTIFIED MAIL**

**Return Receipt Requested**

Article Number: P 165 405 768

Mr. Eddie Sloan, Plant Manager  
North American Galvanizing Company  
1461 Kinark Court  
St. Louis, MO 63132

Dear Mr. Sloan:

RE: North American Galvanizing Company  
St. Louis, MO  
RCRA I.D. No. MOD006284335

Letter of Warning & Request for Information

On March 26, 1999, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. This inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and has determined that violations of RCRA remain.

Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response in accordance with the instructions is required by Section 3007 of RCRA, and substantial penalties may result from not complying with this request. Please note that your correction of these violations or response to this request does not prevent EPA from pursuing appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection.

Within thirty (30) calendar days of receiving this letter, please mail your response to: Kendra Kennell, ARTD/RESP, U. S. Environmental Protection Agency, 901 N. 5<sup>th</sup> Street, Kansas City, Kansas 66101. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions to Ms. Kennell at (913) 551-7136.

Sincerely,

JoAnn M. Heiman, Chief  
RCRA Enforcement and State Programs Branch  
Air, RCRA, and Toxics Division

Enclosures (3)

cc: Kathy Flippen, Missouri Department of Natural Resources (w/encl)



R00141797  
RCRA RECORDS CENTER

ARTD:KENNEL:RESP:7928:3AUG99:F:ARTD/RESP/KENNEL/NAgalvanizing_3007.WPD				
RESP	RESP	RESP		
KENNEL	KOESTERER	HEIMAN		
KLK 8/12/99	L. Sloan 8/12/99	Heiman 8/12/99		

## NOTICE OF VIOLATION

1. **10 CSR 25-11.279 (federal equivalent of 40 CFR 279.22(d))**  
**Failure to respond to a used oil release**

During the inspection, there was evidence of a past used oil leak or spill on the east side of the compressor building, approximately 1 ft x 4 ft in area. Upon detection of a release of used oil to the environment, 40 CFR 279.22(d) requires the responsible facility to:

- a. Stop the release;
- b. Contain the released used oil;
- c. Clean up and manage properly the released used oil and other materials;
- d. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

2. **10 CSR 25- 5.262 (federal equivalent of 40 CFR 262.11)**  
**Failure to perform adequate hazardous waste determinations**

After reviewing the inspection report and NOV response, two hazardous waste determinations were found to be inadequate. The two waste streams of concern and an explanation are given below.

- a. **Fluorescent Lamps**

You stated in your April 8, 1999 NOV response that you intend to continue disposing of fluorescent lamps in the sanitary landfill, since they are generated infrequently. According to 40 CFR 273.18, a small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination. Copies of the federal and state regulations for universal waste handlers are enclosed (see attachments 1 & 2). The regulatory definitions for "universal waste handler" and "destination facility" are also enclosed.

Disposing of fluorescent bulbs in a Subtitle D landfill is *only* acceptable if the bulbs have tested non-hazardous for leachable mercury, and would therefore be exempt from universal waste regulations. A proper hazardous waste determination needs to be performed before any further disposal of fluorescent bulbs to the sanitary landfill can occur.

- b. **Pre-flux Filter Cake**

A June 5, 1997 analysis of the pre-flux filter cake by Sherry Laboratories in Tulsa, Oklahoma shows this waste stream to test non-hazardous for TCLP metals (see attachment 3). However, the inspector expressed concern that this sample was not representative, since the sample was not a composite sample and the pre-flux tank mud failed TCLP for lead (D008). Please perform a composite sample TCLP analysis on the pre-flux filter cake to ensure this waste stream is properly classified.

### INFORMATION REQUESTED

**In regards to violation (1), please provide the following information:**

Provide a response that explains how each of the four requirements listed in 40 CFR §279.22(d) were met by your facility. Provide copies of all documentation which you may have to support your responses.

**In regards to violation (2), please provide the following information:**

1. The results of your hazardous waste determination conducted on the fluorescent bulbs and pre-flux filter cake. This determination must be performed on this material as generated and before any further quantities are sent off - site for disposal. In your response, provide for the following:
  - a. A detailed description of the process that generated the waste;
  - b. A determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
  - c. A determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261; and
  - d. A determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of Part 261, or by applying knowledge of the waste characteristics based upon the material or processes used. Any laboratory analyses used to support this determination must be provided to EPA.
  - e. If North American Galvanizing Company elects to apply knowledge of the waste characteristics to make waste determinations for the fluorescent bulbs and pre-flux filter cake identified above, please provide a detailed explanation and your reasoning regarding the basis for these determinations.
2. For the fluorescent bulbs, please provide a revised company procedure (see attachment 4) for handling of this waste stream. In your revised procedure, please take into consideration all applicable management and disposal requirements for small quantity handlers of fluorescent bulbs listed in 10 CSR 25-16.273 and 40 CFR 273.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

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# INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response, later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be made within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores.
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$27,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

## Information for Small Businesses

If you are small business as defined by the Small Business Administration (defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), below is information you may find helpful.

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

⇒ <a href="http://www.epa.gov">www.epa.gov</a>	<i>EPA's Home Page</i>
⇒ <a href="http://www.smallbiz-enviroweb.org">www.smallbiz-enviroweb.org</a>	<i>EPA's Small Business Home Page</i>
⇒ <a href="http://www.smallbiz-enviroweb.org/state.html">www.smallbiz-enviroweb.org/state.html</a>	<i>List of State Contacts</i>
⇒ <a href="http://www.epa.gov/ttn/sbap">www.epa.gov/ttn/sbap</a>	<i>Small Business Assistance Programs</i>
⇒ <a href="http://www.epa.gov/oeca/polguid/index.html">www.epa.gov/oeca/polguid/index.html</a>	<i>Enforcement Policy and Guidance</i>
⇒ <a href="http://www.epa.gov/oeca/smbusi.html">www.epa.gov/oeca/smbusi.html</a>	<i>Small Business Policy</i>
⇒ <a href="http://www.epa.gov/oeca/oc">www.epa.gov/oeca/oc</a>	<i>Compliance Assistance Home Page</i>
⇒ <a href="http://www.epa.gov/oeca/ccsmd/commpull.html">www.epa.gov/oeca/ccsmd/commpull.html</a>	<i>Small Businesses and Commercial Services</i>
⇒ <a href="http://www.epa.gov/oeca/ccsmd/mun.html">www.epa.gov/oeca/ccsmd/mun.html</a>	<i>Small Communities Policy</i>

### Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide free and convenient avenues to obtain assistance with environmental requirements. EPA's Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

⇒ EPA's Small Business Ombudsman.....	(800) 368-5888
⇒ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
⇒ Toxics Substances and Asbestos Information.....	(202) 554-1404
⇒ Safe Drinking Water.....	(800) 426-4791
⇒ Stratospheric Ozone/CFC Information.....	(800) 296-1996
⇒ Clean Air Technical Center.....	(919) 541-0800
⇒ Wetlands Hotline.....	(800) 832-7828

### Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ⇒ Access to All Centers ([www.epa.gov/oeca/mfcac.html](http://www.epa.gov/oeca/mfcac.html))
- ⇒ Metal Finishing (1-800-AT-NMFRC or <http://www.nmfrc.org>)
- ⇒ Printing (1-888-USPNEAC or <http://www.pneac.org>)
- ⇒ Automotive (1-888-GRN-LINK or <http://www.ccar-greenlink.org>)



- ➡ Agriculture (1-888-663-2155 or <http://www.epa.gov/oeca/ag>)
- ➡ Printed Wiring Board Manufacturing (<http://www.pwbrc.org>)
- ➡ The Chemical Industry (1-800-672-6048 or <http://www.chemalliance.org>)
- ➡ The Transportation Industry (<http://www.transource.org>)
- ➡ The Paints and Coatings Center (<http://www.paintcenter.org>)
- ➡ Local Governments (1-877-TO-LGEAN or <http://www.lgean.org>)

#### State Agencies

Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

#### Compliance Incentive Policies

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action that has already been initiated. Contact Ginger Gotliffe (202-564-2310) for information on the Small Business Policy and Ken Harmon (202-564-2310) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. *However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.*

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). *However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.*

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by the Small Business Regulatory Enforcement and Fairness Act (SBREFA) or related provisions nor does it create any new rights or defenses under law.